



United States Department of the Interior

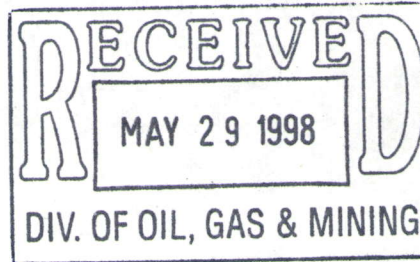
BUREAU OF LAND MANAGEMENT  
HOUSE RANGE/WARM SPRINGS RESOURCE AREA

35 East 500 North  
Fillmore, UT 84631



m/023/003

CERTIFIED MAIL # Z 432 442 585  
RETURN RECEIPT REQUESTED



IN REPLY REFER TO:  
3800  
(U-054)  
UTU-063446

May 26, 1998

GREG HAWKINS  
MINE MANAGER  
BRUSH WELLMAN ENGINEERED MATERIALS  
PO BOX 815  
DELTA UT 84624

Dear Mr. Hawkins:

We are in receipt of your letter of May 19, 1998, and agree that, contingent upon UDOGM's concurrence, no further reclamation will be required for the safety berms around the Monitor and Blue Chalk pits. We also agree that, in regards to the Rainbow and Section 16 pit expansions, that the Section 16 #2 pit lies entirely within a State school section, and is therefore not within our administrative jurisdiction.

However, in regards to the Rainbow #2 pit, located in Section 9, T. 12 S., R. 13 W., we do not agree that "no BLM, T&E or Archeological reviews will be required as long as we keep our expansion contained with the 1985 EA...". As Sheri Wysonig discussed during a phone conversation with you on May 22, 1998, we have no record in our file of an Environmental Assessment that was written in 1985. There is an Archaeological Clearance (enclosed) derived from a survey conducted in 1984, but it is not adequate under today's standards, and a more extensive survey must be conducted. There are also two Threatened and Endangered Plant clearances (enclosed) written in 1981 and 1990. The 1990 document was generated only from a literature search, and the 1981 clearance was produced from both a literature search and on-the-ground survey, which is what today's standards require for an operation of the scope you are proposing. However, the number of species listed as threatened or endangered has increased since 1981, and a new survey must be conducted in order to ensure that no listed or sensitive species exist within the impacted area.

The 1981 T&E clearance was produced in preparation for an EA that was written in response to the Plan of Operations submitted on April 27, 1981. This is the only NEPA (National Environmental Protection Act) document prepared that encompasses your entire mining operation. Since then, both the scope of your mining

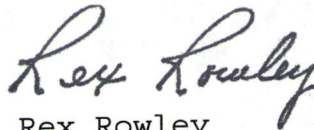


operation and, as demonstrated in the above paragraph, BLM's standards have changed. The fact that the 1981 EA has not been considered adequate for several years has resulted in EAs being written in 1990 and 1996, in response to proposed pit expansions. The same rationale will apply to the proposal you are planning to submit in July, 1998. An EA will be required, and to expedite matters, we suggest that you contract out the Archaeological and T&E surveys, as you, in your recent letter, indicated a willingness to do. Enclosed is a list of archaeologists approved to conduct surveys on public lands. If necessary, we can also provide you with a list of T&E contractors.

We also suggest that you consider contracting out the EA itself. Between current workloads and budgetary constraints, we cannot guarantee that this office can complete an EA within the timetable you have indicated in your letter. In order to avoid delays in mine openings and expansions, many mining companies now contract EAs as a standard business practice.

Ron Teseneer will be out of the office until at least June 15, and possibly June 22. If you have any questions, please contact Sheri Wysong at (435) 743-3125.

Sincerely,



Rex Rowley  
Area Manager

Enclosures

- 1984 Archaeological Clearance
- 1981 T&E Plant Clearance
- 1990 T&E Plant Clearance
- BLM Approved Archaeologist list

cc: Wayne Hedberg, UDOGM